

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

WESLEY ROBERT SIMS

PLAINTIFF

v.

CAUSE NO. 1:24-cv-00179-LG-BWR

KEITH MILLER, et al.

DEFENDANTS

FINAL JUDGMENT

In accordance with the Court's Order issued this date and incorporated herein by reference,

IT IS THEREFORE ORDERED AND ADJUDGED that this civil action is **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(i)-(ii) until the conditions outlined in *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994), are met.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff Wesley Robert Sims' claims against Defendant Public Defender Michael Cunningham are separately **DISMISSED WITH PREJUDICE** because Cunningham is not a state actor for purposes of 42 U.S.C. § 1983.

IT IS FURTHER ORDERED AND ADJUDGED that this dismissal counts as a "strike" under 28 U.S.C. § 1915(g).

SO ORDERED AND ADJUDGED this the 19th day of November, 2024.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.

UNITED STATES DISTRICT JUDGE